

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2021 – SB 1987

March 15, 2018

SUMMARY OF ORIGINAL BILL: Requires an administrative law judge to include an award of attorney's fees against a seizing agency when an initial order includes a return of seized property. Revises various other provisions related to asset forfeiture.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent an administrative law judge orders a local government to return seized property, the local government will be required to reimburse property owners' attorney fees. The timing and amount of any reimbursement is dependent upon multiple unknown variables and cannot be reasonably determined.

SUMMARY OF AMENDMENT (015211): Deletes and replaces language of the bill without making any substantive changes to the legislation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Based on information provided by the Secretary of State, this legislation would alter the proceedings for some administrative law judge hearings; however, any impact to the Department is estimated to be not significant.
- Based on information provided by the Department of Safety, this legislation would require the Department to revise the Notice of Forfeiture Warrant Hearing Form (SF-1510) and require updates to training materials; however, any fiscal impact to the Department is estimated to be not significant.
- Based on information provided by the Tennessee Bureau of Investigation, any impact to the Department is estimated to be not significant.
- Any impact to the court system is estimated to be not significant.

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- In instances where a local law enforcement officer seizes property and an administrative law judge enters an initial order that includes a return of such property, local governments will be required to pay attorney fees subject to the limitations outlined in the legislation.
- The total statewide impact to local government associated with reimbursement of attorney's fees is dependent on multiple unknown factors including the circumstances of each seizure, the monetary value of any seized property, the order of any administrative law judge, and the amount of any attorney's fees.
- Given the extent of unknown factors, the precise fiscal impact to local government cannot be reasonably determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/amj